

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Monteith, et al.

Serial No.: 10/564,191

Examiner: N. Holloman

Filing Date: 22 May 2006

Art Unit: 1612

For: PHARMACEUTICAL FORMULATIONS COMPRISING MAGNESIUM
STEARATE

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This paper is submitted in response to the Restriction Requirement mailed July 23, 2008.

The Office has required restriction among the pending claims as follows:

Group I, claims 11-13 and 20, drawn to an inhalable solid pharmaceutical formulation,

Group II, claims 14, 16, and 21-25, drawn to a method of reducing or inhibiting chemical interactions between an active ingredient substance and a carrier susceptible to chemical interaction,

Group III, claim 15, drawn to a method of inhibiting chemical degradation of an active ingredient substance in a formulation,

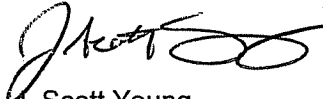
Group IV, claim 18, drawn to a method for treating, and

Group V, claim 19, drawn to a method of preparing a solid pharmaceutical preparation.

Applicant elects without traverse Group I (claims 11-13 and 20), drawn to the method of inhibiting chemical degradation as recited in the claims. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter. The claims encompassed by the elected invention are as described in the Restriction Requirement.

Applicant believes that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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